

FILED
UNITED STATES DISTRICT COURT
CLERKS OFFICE
DISTRICT OF MASSACHUSETTS

2005 OCT 14 P 3:2:

CHARLES BRETT, BUILDING)	U.S. DISTRICT COURT
INSPECTOR OF TOWN OF HAMILTON,)	DISTRICT OF MASS.
)	
Plaintiff,)	
)	
v.)	No. CV-05-11542-RGS
)	
IRINA V. TEMKINA,)	
)	
Defendant.)	
)	

DEFENDANT'S MOTION TO JOIN ADDITIONAL PARTIES

Defendant Irina V. Temkina moves the Court for an order bringing in the Town of Hamilton as defendant on this defendant's counterclaim and directing that a summons be served upon the Town of Hamilton and requiring the Town of Hamilton to admit or answer the defendant's counterclaim in this cause pursuant to Rule 13(h) of the Federal Rules of Civil Procedure.

Defendant Irina V. Temkina also moves the Court for an order bringing in Elliott N. Tiomkin as defendant in the original action and as plaintiff on this defendant's counterclaim.

Defendant Irina V. Temkina alleges:

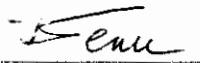
1. The complaint in this cause is brought by plaintiff Charles Brett, Building Inspector of the Town of Hamilton against defendant Irina V. Temkina.
2. Defendant Irina V. Temkina has filed an answer to the complaint.
3. The answer includes and contains a counterclaim.
4. The presence of the Town of Hamilton as a defendant on this defendant's counterclaim is permissible under Rule 20 as appears from the averments of the counterclaim, and jurisdiction over the Town of Hamilton can be obtained and this Court will not be deprived of jurisdiction by the Town of Hamilton's presence, as appears from the averments of the counterclaim.
5. The Town of Hamilton is a municipal subdivision of the Commonwealth of Massachusetts. Jurisdiction of the Town of Hamilton can be obtained and the Town of Hamilton's joinder will not deprive the Court of jurisdiction of the action.

6. The presence of Elliott N. Tiomkin as a plaintiff on this defendant's counterclaim is permissible under Rule 20 as appears from the averments of the counterclaim, and jurisdiction over Elliott N. Tiomkin can be obtained and this Court will not be deprived of jurisdiction by the Elliott N. Tiomkin's presence, as appears from the averments of the counterclaim.

7. Elliott N. Tiomkin is a citizen of the State of Connecticut. Jurisdiction of Elliott N. Tiomkin can be obtained and Elliott N. Tiomkin's joinder will not deprive the Court of jurisdiction of the action.

Dated: September 29, 2005

DEFENDANT/PLAINTIFF-IN-COUNTERCLAIM


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